

are Judge Barbara Keenan of Virginia, who was confirmed unanimously to the Fourth Circuit, and Judge Denny Chin of New York, who was confirmed unanimously to the Second Circuit. Both required cloture petitions to end the filibusters against their confirmations and then they were each confirmed unanimously.

Others confirmed unanimously after months of delay are Judge James A. Wynn, Jr. of North Carolina, who was finally confirmed to the Fourth Circuit after almost 6 months of delay; Judge Albert Diaz of North Carolina, who was finally confirmed to the Fourth Circuit after almost 11 month's delay; Judge Ray Lohier of New York, who was finally confirmed to the Second Circuit after almost 8 months of delay; Judge Beverly Martin of Tennessee, who was finally confirmed to the Eleventh Circuit after more than 4 months of delay; and James Greenaway of New Jersey, who was finally confirmed to the Third Circuit after almost 4 months of delay. I expect Scott Matheson of Utah to be confirmed unanimously to the Tenth Circuit, but not until there have been 6 months of unnecessary delay. I will not be surprised if Judge Murguia is confirmed unanimously, or nearly unanimously, after 4 unnecessary months of delay.

Examples of district court nominees who have been delayed for between 3 and 7 months before being confirmed unanimously are: Judge Kimberly J. Mueller of the Eastern District of California, Judge Catherine Eagles of the Middle District of North Carolina, Judge John A. Gibney, Jr. of the Eastern District of Virginia, Judge Ellen Hollander of the District of Maryland, Judge Susan R. Nelson of the District of Minnesota, Judge James Bredar of the District of Maryland, Judge Carlton Reeves of the Southern District of Mississippi, Judge Edmond Chang of the Northern District of Illinois, Judge Leslie E. Kobayashi of the District of Hawaii, and Judge Denise Casper of the District of Massachusetts.

Ten years ago, Mary Murguia became the first Latina to serve as a Federal Judge in Arizona when she was nominated by President Clinton to serve on the U.S. District Court for the District of Arizona. She will now become the first Hispanic—and only the second woman—from Arizona to serve on the Ninth Circuit. I congratulate Judge Murguia and her family on her confirmation by the Senate today.

The VICE PRESIDENT. The yeas and nays have been ordered.

The question is, shall the Senate advise and consent to the nomination of Mary Helen Murguia, of Arizona, to be a U.S. Circuit Judge for the 9th Circuit.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Iowa (Mr. HARKIN), the Senator from Missouri

(Mrs. MCCASKILL), the Senator from Michigan (Ms. STABENOW), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kentucky (Mr. BUNNING), the Senator from Kansas (Mr. BROWNBACK), the Senator from Missouri (Mr. BOND), the Senator from Tennessee (Mr. Alexander), the Senator from Kansas (Mr. ROBERTS), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "yea" and the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

The PRESIDING OFFICER (Mr. MERKLEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 0, as follows:

(Rollcall Vote No. 299 Ex.)

YEAS—89

Akaka	Enzi	McConnell
Barrasso	Feinstein	Menendez
Baucus	Franken	Merkley
Bayh	Gillibrand	Mikulski
Begich	Graham	Murkowski
Bennet	Grassley	Murray
Bennett	Gregg	Nelson (NE)
Bingaman	Hagan	Nelson (FL)
Boxer	Hatch	Pryor
Brown (MA)	Hutchison	Reed
Brown (OH)	Inhofe	Reid
Burr	Inouye	Risch
Cantwell	Isakson	Rockefeller
Cardin	Johanns	Sanders
Carper	Johnson	Schumer
Casey	Kerry	Sessions
Chambliss	Kirk	Shaheen
Coburn	Klobuchar	Shelby
Cochran	Kohl	Snowe
Collins	Kyl	Specter
Conrad	Landrieu	Tester
Coons	Lautenberg	Thune
Corker	Leahy	Udall (CO)
Cornyn	LeMieux	Udall (NM)
Crapo	Levin	Voinovich
DeMint	Lieberman	Warner
Dodd	Lincoln	Webb
Dorgan	Lugar	Whitehouse
Durbin	Manchin	Wicker
Ensign	McCain	

NOT VOTING—11

Alexander	Feingold	Stabenow
Bond	Harkin	Vitter
Browback	McCaskill	Wyden
Bunning	Roberts	

The nomination was confirmed.

NOMINATION OF SCOTT M. MATHE- SON, JR., TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the question occurs on the following nomination, which the clerk will report.

The legislative clerk read the nomination of Scott M. Matheson, Jr., of Utah, to be United States Circuit Judge for the Tenth Circuit.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Scott M. Matheson, Jr., of Utah, to be United States Circuit Judge for the Tenth Circuit.

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to re-

consider is considered made and laid upon the table, and the President shall be immediately notified of the Senate's action.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the following nominations are considered and confirmed en bloc: Calendar No. 1119, No. 1120, and No. 1139. The motions to reconsider are considered made and laid upon the table en bloc, and the President shall be immediately notified of the Senate's action.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Kathleen M. O'Malley, of Ohio, to be United States Circuit Judge for the Federal Circuit.

Beryl Elaine Howell, of the District of Columbia, to be United States District Judge for the District of Columbia.

Robert Leon Wilkins, of the District of Columbia, to be United States District Judge for the District of Columbia.

Mr. BROWN of Ohio. Mr. President, I am very pleased that the Senate has voted to confirm Judge Kathleen McDonald O'Malley to the U.S. court of appeals for the Federal circuit.

The Nation's gain is Ohio's loss. But it is also a proud day for us.

As a child Kate was blessed with wisdom beyond her years. At the age of 12 she was asked what she wanted to be when she grew up. She replied that she wanted to become a Federal judge.

And she excelled in school—high school, college, and law school. She graduated Phi Beta Kappa from Kenyon College in 1979 and first in her class at Case Western Reserve Law School in 1982.

After law school she clerked for the Sixth Circuit Court of Appeals for the distinguished Judge Nathaniel R. Jones, who is one of her major influences and who considers Kate to be like family.

After her clerkship with Judge Jones, Judge O'Malley spent several years in private practice, where she gained invaluable experience representing numerous large corporations in addition to medium-sized and small businesses.

She became an expert in complex corporate litigation, patent and intellectual property cases—experience that will serve her well as a Circuit Judge in the Federal circuit.

She translated her private sector experience into a distinguished career in public service as chief counsel and chief of staff for then-Ohio attorney general Lee Fisher.

Recognizing her talents, Ohio Senators Howard Metzenbaum and John Glenn recommended her to President Clinton for a place on the Federal bench.

On September 20, 1994, President Clinton nominated her to serve on the Federal bench as a U.S. district judge for the Northern District of Ohio.

When she began her service in the Northern District of Ohio, Judge